

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARLOS TONEZ (HERNANDEZ) :

CIVIL ACTION

v. :

THE DISTRICT ATTORNEY OF THE  
COUNTY OF PHILADELPHIA, et al.

NO. 15-2456

**FILED**

**DEC 11 2015**

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

**ORDER**

AND NOW, this 9<sup>th</sup> day of December 2015, upon careful and independent

consideration of the pleadings and record herein, and after review of the Report and

Recommendation of Thomas J. Rueter, United States Magistrate Judge, it is hereby

**ORDERED**

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DISMISSED AS MOOT** by reason of petitioner's death; and
3. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

  
\_\_\_\_\_  
L. FELIPE RESTREPO, J.